

Mr. BISHOP of Utah. Mr. Speaker, this resolution provides a standard conference report rule and other end-of-the-year housekeeping provisions.

B. Meeting and Organization

§ 3. Clerk as Presiding Officer

When a new Congress first convenes, the House does not yet have officers (including a Speaker), who must first be elected by the membership of the House. By statute as well as tradition, the Clerk of the House from the prior Congress presides over the House at the organization of a first session. At a second session, the officers of the House are already in place, and the House is called to order by the Speaker or a Speaker pro tempore.

In the absence of the Clerk on opening day of a new Congress, other officers preside over the House at organization.⁽¹⁾ If the Clerk is absent, the Sergeant-at-Arms from the prior Congress presides, and such officer has done so on several occasions.⁽²⁾ Under a prior form of the statute, in the absence of both the Clerk and the Sergeant-at-Arms, the Doorkeeper of the House would preside.⁽³⁾ However, the position of Doorkeeper was abolished in the 104th Congress⁽⁴⁾ in 1995 and the statute amended to remove the reference to that officer.⁽⁵⁾ A Clerk from a prior Congress who was not elected, but instead appointed by the Speaker⁽⁶⁾ to temporarily fill a vacancy in the office of Clerk, has presided over organization of the House at the next Congress.⁽⁷⁾

1. 2 U.S.C. § 26.

2. For instances of the Sergeant-at-Arms presiding on opening day, see 127 CONG. REC. 93–96, 97th Cong. 1st Sess. (Jan. 5, 1981) and 129 CONG. REC. 29–33, 98th Cong. 1st Sess. (Jan. 3, 1983).

3. See Deschler's Precedents Ch. 1 § 5.2.

4. For more on the former position of Doorkeeper of the House, see Deschler's Precedents Ch. 6 § 20 and Precedents (Wickham) Ch. 6.

5. P.L. 104–186, 110 Stat. 1718.

6. *Parliamentarian's Note*: An appointed Clerk is treated the same as an elected Clerk, and exercises all of the authorities of that office until a new Clerk is elected. By contrast, a Clerk pro tempore, designated under clause 2(g) of rule II (*House Rules and Manual* § 651 (2017)) may only exercise certain limited authorities, and may not exercise any authorities provided by statute. Such an individual would therefore be precluded from presiding over the House at organization.

7. See 145 CONG. REC. 42–45, 106th Cong. 1st Sess. (Jan. 6, 1999).

In modern times, only two Speakers have resigned the speakership during a session of Congress.⁽⁸⁾ In both instances, the Speaker tendered his resignation to become effective upon election of a successor, and in both instances, the resigning Speaker presided over the election of his successor.⁽⁹⁾ Under former practice, when a Speaker died in office, the Clerk would preside on the next legislative day and the House would move immediately to the election of a new Speaker.⁽¹⁰⁾ However, in the 108th Congress, the House amended clause 8(b) of rule I⁽¹¹⁾ to require the Speaker to provide to the Clerk a list of Members to serve as Speaker pro tempore in the case of death or incapacity of the Speaker. Although the need to use this authority has not yet arisen, were a Speaker to die or become incapacitated during his or her term of office, a designated Speaker pro tempore, pursuant to this rule, would preside over the election of a new Speaker.

When the Clerk presides on opening day, such individual performs the traditional functions of the presiding officer of the House, which include ruling on points of order⁽¹²⁾ and answering parliamentary inquiries from Members-elect.⁽¹³⁾ Unanimous-consent requests, usually related to the pending organizational business, may be entertained by the Clerk.⁽¹⁴⁾ The Clerk may also make announcements to the body as to pertinent events, such as the death of a Member-elect.⁽¹⁵⁾ On one occasion, the Clerk (who was not expected to be renominated for that position in the new Congress) gave brief farewell remarks to the body.⁽¹⁶⁾

The Clerk's primary function on opening day of a new Congress is to preside over the initial quorum call of Members-elect and the election of

8. Speaker James Wright of Texas resigned on June 6, 1989. See § 4.6, *infra*. Speaker John Boehner of Ohio resigned on October 29, 2015. 161 CONG. REC. H7336–40 [Daily Ed.], 114th Cong. 1st Sess. See also Precedents (Wickham) Ch. 6.
9. For more on officers of the House generally, see Deschler's Precedents Ch. 6 and Precedents (Wickham) Ch. 6. For the resignation of Speakers of the House, see Deschler's Precedents Ch. 37 § 9.1 and Precedents (Wickham) Ch. 37.
10. The last Speaker to die in office was Speaker Sam Rayburn of Texas in the 87th Congress (1961). See Deschler's Precedents Ch. 1 §§ 6.6, 6.8.
11. *House Rules and Manual* § 632 (2017). For the first announcement regarding the delivery of this letter to the Clerk of the House, see 149 CONG. REC. 6118, 108th Cong. 1st Sess. (Mar. 13, 2003). An announcement is also made when the Speaker makes changes to the list of Members to be designated as Speaker pro tempore and delivers a new letter to the Clerk. See 151 CONG. REC. 28767, 109th Cong. 1st Sess. (Dec. 15, 2005) and 160 CONG. REC. H7177 [Daily Ed.], 113th Cong. 2d Sess. (July 31, 2014).
12. See § 3.4, *infra*.
13. See § 3.5, *infra*.
14. See § 3.6, *infra*.
15. See § 3.7, *infra*. See also 125 CONG. REC. 4, 96th Cong. 1st Sess. (Jan. 15, 1979) and 135 CONG. REC. 67, 101st Cong. 1st Sess. (Jan. 3, 1989).
16. See § 3.8, *infra*.

Speaker.⁽¹⁷⁾ Prior to convening the House on opening day, the Clerk receives certificates of election from state officials and prepares the Clerk's roll of Members-elect.⁽¹⁸⁾ This roll serves as evidence that the named individuals have been duly elected to the House and are thus entitled to take the oath of office. The quorum call of Members-elect establishes the presence of such individuals in the Chamber and that a quorum is present to conduct business (as required by the Constitution).⁽¹⁹⁾ Beginning with the 97th Congress, the electronic voting system has been used for the initial quorum call of Members-elect.⁽²⁰⁾

Clerk Presiding at Organization

§ 3.1 At the beginning of a new Congress, the Clerk from the previous Congress serves as interim presiding officer and, after calling the House to order, takes the following organizational steps: calls on the returning Chaplain for a prayer; leads a recitation of the pledge of allegiance; announces the receipt of credentials of Members-elect; causes a quorum to be established by states by electronic device; announces the filing of credentials of Delegates-elect (and the Resident Commissioner-elect for a four year term); announces the establishment of a quorum; and makes announcements regarding events occurring during *sine die* adjournment.

On January 3, 2013,⁽²¹⁾ the House convened for the first session of the 113th Congress:

This being the day fixed by the 20th amendment to the Constitution of the United States, for the meeting of the 113th Congress of the United States, the Representatives—

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- 17. *Parliamentarian's Note*: Prior to the initial quorum call, the only preliminary activity traditionally undertaken by the House is the prayer offered by the returning Chaplain of the House and (as of the 101st Congress in 1989) a recitation of the pledge of allegiance.
 - 18. For more on the Clerk's roll of Members-elect, see Deschler's Precedents Ch. 2 and Precedents (Wickham) Ch. 2. See also Precedents (Wickham) Ch. 6. For more on certificates of election, generally, see Deschler's Precedents Ch. 8 §§ 15–17.
 - 19. U.S. Const. art. I, § 5; *House Rules and Manual* § 52 (2017).
 - 20. *Parliamentarian's Note*: In the 97th Congress, the use of the electronic voting system for the initial quorum call by states was authorized by unanimous consent. 127 CONG. REC. 93, 97th Cong. 1st Sess. (Jan. 5, 1981). Beginning in the 110th Congress, unanimous consent was no longer required, as use of the electronic voting system prior to the adoption of standing rules was considered authorized under general parliamentary law. 153 CONG. REC. 1–3, 110th Cong. 1st Sess. (Jan. 4, 2007). For more on general parliamentary law, see § 6, *infra*; Deschler's Precedents Ch. 1 § 8; and Precedents (Wickham) Ch. 5.
 - 21. 159 CONG. REC. H1–H5 [Daily Ed.], 113th Cong. 1st Sess. For an earlier example of the Clerk presiding at organization, see Deschler's Precedents Ch. 1 § 5.1.

elect met in their Hall, and at noon were called to order by the Clerk of the House of Representatives, Hon. Karen L. Haas.

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving God, we give You thanks for giving us another day.

We gather on this most significant day, when once again we celebrate the peaceful transition of democratic government. Though many return from the 112th Congress, this people's House is a new legislative assembly.

May the service of all the Members here gathered give You glory, and acquit well the charge entrusted to them by their fellow citizens.

Give each Member an abundance of wisdom, knowledge, and understanding, that they might know best how to proceed in the work they have to do, as well as the courage to act once they have discerned where Your Spirit might lead them.

And may all that is done this day, and all the days of the 113th Congress, be for Your greater honor and glory.

Amen.

PLEDGE OF ALLEGIANCE

The CLERK.⁽²²⁾ The Representatives-elect and their guests will please remain standing and join in the Pledge of Allegiance.

The Clerk led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The CLERK. As directed by law, the Clerk of the House has prepared the official roll of the Representatives-elect.

Certificates of election covering 435 seats in the 113th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accord with the laws of their respective States or of the United States will be called.

The Representatives-elect will record their presence by electronic device and their names will be reported in alphabetical order by State, beginning with the State of Alabama, to determine whether a quorum is present.

Representatives-elect will have a minimum of 15 minutes to record their presence by electronic device.

Representatives-elect who have not obtained their voting ID cards may do so now in the Speaker's lobby.

The call was taken by electronic device, and the following Representatives-elect responded to their names:

[Roll No. 1] . . .

The CLERK. Four hundred twenty-nine Representatives-elect have recorded their presence. A quorum is present.

ANNOUNCEMENT BY THE CLERK

The CLERK. Credentials, regular in form, have been received showing the election of:

22. Karen Haas.

The Honorable PEDRO R. PIERLUISI as Resident Commissioner from the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 2013;

The Honorable ELEANOR HOLMES NORTON as Delegate from the District of Columbia;

The Honorable MADELEINE Z. BORDALLO as Delegate from Guam;

The Honorable DONNA M. CHRISTENSEN as Delegate from the Virgin Islands;

The Honorable ENI F. H. FALEOMAVAEGA as Delegate from American Samoa; and

The Honorable GREGORIO SABLAN as Delegate from the Commonwealth of the Northern Mariana Islands.

The Clerk is in receipt of letters from the Honorable Jesse L. Jackson, Jr., of Illinois and the Honorable Tim Scott of South Carolina indicating that they will not serve in the House in the 113th Congress. Without objection, the letters will be placed in the RECORD.

December 13, 2012.

DEAR MADAM CLERK, I am aware that you have received a certificate for my election as Representative of the Second Congressional District of the State of Illinois in the 113th Congress. This letter serves to notify you that I do not intend to serve in the 113th Congress.

Sincerely,

JESSE JACKSON, JR.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 30, 2012.

HON. JOHN BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER BOEHNER, I am writing to inform you that I have notified the Governor of South Carolina of my resignation from the U.S. House of Representatives effective January 2, 2013. A copy of that letter is attached. I do not intend to take the office of Representative for the First Congressional District of South Carolina in the 113th Congress.

It has truly been an honor to serve the First District of South Carolina, and I look forward to continuing that service in my new role as United States Senator. I have enjoyed working with you, Majority Leader Cantor, and all of our colleagues in the House, and wish you the best of luck in the future.

Sincerely,

TIM SCOTT,
Member of Congress.

§ 3.2 Pursuant to clause 8(b)(3)(B) of rule I,⁽²³⁾ the Speaker deposits with the Clerk a letter designating certain Members to act as Speaker pro tempore in the case that the Speaker is unable to perform the duties of the office, and the House is informed that the requisite letter has been delivered to the Clerk.⁽²⁴⁾

²³. *House Rules and Manual* § 632 (2017).

²⁴. For an announcement that such letter had been revised later in the same Congress, see 160 CONG. REC. H7177 [Daily Ed.], 113th Cong. 2d Sess. (July 31, 2014).

On January 3, 2013,⁽²⁵⁾ the Chair laid before the House a communication as follows:

RECALL DESIGNEE

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

THE SPEAKER'S ROOMS
HOUSE OF REPRESENTATIVES
Washington, DC, January 3, 2013.

Hon. KAREN L. HAAS,
Clerk of the House of Representatives,
Washington, DC.

DEAR MADAM CLERK: Pursuant to House Concurrent Resolution 1, and also for purposes of such concurrent resolutions of the current Congress as may contemplate my designation of Members to act in similar circumstances, I hereby designate Representative Eric Cantor of Virginia to act jointly with the Majority Leader of the Senate or his designee, in the event of my death or inability, to notify the Members of the House and the Senate, respectively, of any reassembly under any such concurrent resolution. In the event of the death or inability of that designee, the alternate Members of the House listed in the letter bearing this date that I have placed with the Clerk are designated, in turn, for the same purposes.

Sincerely,

JOHN A. BOEHNER,
Speaker.

Others Presiding in the Absence of Clerk

§ 3.3 Pursuant to statute,⁽²⁶⁾ when the Clerk of the preceding Congress is unable to preside over the House on opening day of a new Congress,⁽²⁷⁾ the Sergeant-at-Arms performs this function and takes all necessary organizational steps that would otherwise be performed by the Clerk.

On January 3, 1983,⁽²⁸⁾ the Sergeant-at-Arms served as interim presiding officer in the absence of the Clerk, and presided over the organization of the House as follows:

25. 159 CONG. REC. H27 [Daily Ed.], 113th Cong. 1st Sess.

26. 2 U.S.C. § 26.

27. *Parliamentarian's Note*: The Clerk of the House for the 97th Congress, Edmund Henshaw, had suffered a stroke during his term of office in the 96th Congress and had been incapacitated to the extent that he was not able to fully perform all of his duties as Clerk. Thus, the Sergeant-at-Arms for the 96th Congress presided over the organization of the House at the commencement of both the 97th and 98th Congresses. See 127 CONG. REC. 93–96, 97th Cong. 1st Sess. (Jan. 5, 1981).

28. 129 CONG. REC. 29–33, 98th Cong. 1st Sess. For a similar instance of the Sergeant-at-Arms presiding at the opening of a Congress, see 127 CONG. REC. 93–96, 97th Cong.

This being the day fixed by the 20th amendment of the Constitution of the United States for the annual meeting of the Congress of the United States, the Members-elect of the 98th Congress met in their Hall, and, at 12 o'clock noon, were called to order by the Sergeant at Arms of the House of Representatives, Hon. Benjamin J. Guthrie.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, we implore Your blessing upon this assembly and upon all for whom the authority of government is given. We pray that Your spirit of reconciliation and peace, of good will and understanding will prevail in our hearts and in our lives. Encourage us, O God, to use our abilities and talents in ways that bring righteousness to this Nation and to all the people. Ever remind us of the needs of the poor, the homeless or forgotten, those who live without freedom or liberty, that we will be instruments of justice for all citizens and ease the hurt of every person. May Your spirit live with us each day and may Your grace surround us and those we love that in all things we may be the people You would have us be and serve this Nation as we ought to serve. In Your name, we pray. Amen.

The SERGEANT AT ARMS.⁽²⁹⁾ Representatives-elect to the 98th Congress, this being the day fixed by the 20th amendment of the Constitution for the meeting of the 98th Congress, the Clerk of the 97th Congress has prepared the official roll of the Representatives-elect. Pursuant to 2 U.S.C. §26, the Sergeant at Arms of the 97th Congress will make the following announcement:

Certificates of election covering the 435 seats in the 98th Congress have been received by the Clerk of the House of Representatives, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States and of the United States will be called.

Without objection, the Representatives-elect will record their presence by electronic device, and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

There was no objection.

The SERGEANT AT ARMS. The Chair would like to state that any Member-elect who has not received his or her voting card may do so now in the Speaker's lobby.

The call was taken by electronic device, and the following Representatives-elect responded to their names: . . .

The SERGEANT AT ARMS. The quorum call discloses that 416 Representatives-elect have answered to their names. A quorum is present.

ANNOUNCEMENTS BY THE SERGEANT AT ARMS

The SERGEANT AT ARMS. The Sergeant at Arms will state that the credentials are on file showing the election of the Honorable BALTASAR CORRADA as Resident Commissioner from the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 1981; the election of the Honorable WALTER E. FAUNTROY as Delegate from the District of Columbia; the election of the Honorable ANTONIO BORJA WON PAT as Delegate from Guam;

1st Sess. (Jan. 5, 1981). For an earlier example of the Doorkeeper of the House (a position since abolished) presiding at organization, see Deschler's Precedents Ch. 1 §5.2.
29. Benjamin Guthrie.

the election of the Honorable RON DE LUGO as Delegate from the Virgin Islands; and the election of the Honorable FOFO I. F. SUNIA, as Delegate from American Samoa.

The Sergeant at Arms regrets to announce the death of the Honorable JACK SWIGERT on December 27, 1982, a Member-elect from the 6th District of Colorado.

ELECTION OF SPEAKER

The SERGEANT AT ARMS. The next order of business is the election of the Speaker of the House of Representatives for the 98th Congress.

Nominations are now in order.

The Sergeant at Arms recognizes the gentleman from Louisiana (Mr. LONG).

Mr. [Gillis] LONG of Louisiana. Mr. Sergeant at Arms, as chairman of the Democratic Caucus, I am directed by the unanimous vote of that caucus to present for election to the office of the Speaker of the House of Representatives of the 98th Congress the name of the Honorable THOMAS O'NEILL, JR., a Representative-elect from the Commonwealth of Massachusetts.

The SERGEANT AT ARMS. The Chair now recognizes the gentleman from New York (Mr. KEMP).

Mr. [Jack] KEMP [of New York]. Mr. Sergeant at Arms, as chairman of the Republican Conference and by the authority and direction and unanimous vote of the Republican Conference, it is my honor to nominate for Speaker of the House of Representatives the Honorable ROBERT H. MICHEL, a Representative-elect from the State of Illinois to the 98th Congress.

The SERGEANT AT ARMS. The Honorable THOMAS O'NEILL, JR., a Representative-elect from the Commonwealth of Massachusetts and the Honorable ROBERT H. MICHEL, a Representative-elect from the State of Illinois, have been placed in nomination.

Are there any further nominations?

There being no further nominations, the Sergeant at Arms will appoint tellers.

The Sergeant at Arms appoints the gentleman from California (Mr. HAWKINS), the gentleman from Minnesota (Mr. FRENZEL), the gentlewoman from Colorado (Mrs. SCHROEDER), and the gentlewoman from Maryland (Mrs. HOLT).

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The reading clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote: . . .

The SERGEANT AT ARMS. The tellers agree in their tallies that the total number of votes cast is 417, of which the Honorable THOMAS O'NEILL, JR., of Massachusetts, has received 260, and the Honorable ROBERT H. MICHEL, of Illinois, has received 155, with 2 voting "present."

Therefore, the Honorable THOMAS O'NEILL JR., of Massachusetts, is duly elected Speaker of the House of Representatives for the 98th Congress, having received a majority of the votes cast. . . .

Mr. O'NEILL. I ask that the dean of the House, the Honorable JAMIE L. WHITTEN of Mississippi, administer the oath of office.

Mr. [Jamie] WHITTEN [of Mississippi] then administered the oath of office to Mr. O'NEILL, of Massachusetts.

[Applause, the Members rising.]

Points of Order and Parliamentary Inquiries

§ 3.4 When the Clerk of the House presides over organization on opening day of a new Congress, the Clerk may rule on points of order regarding the priority of business, such points of order may be appealed, and any such appeal is subject to the motion to lay on the table.

On January 7, 1997,⁽³⁰⁾ the Clerk presided at organization of the 105th Congress, and was called upon to rule on a point of order regarding the priority of a resolution raised as a question of the privileges of the House:

This being the day fixed by the 20th amendment of the Constitution of the United States, and Public Law 104–296 for the meeting of the Congress of the United States, the Members–elect of the 105th Congress met in their Hall, and at 12 noon were called to order by the Clerk of the House of Representatives, Hon. Robin H. Carle.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Oh, gracious God, from whom we have come and to whom we belong, we offer this prayer of thanksgiving and gratitude for all the blessings You have freely bestowed on us and the people of this Nation, and also for the responsibilities that You have entrusted to those who serve in this place.

On this first day of a new Congress, we speak with the words of the Psalmist: Oh, give thanks to the Lord for He is good, for His steadfast love endures forever. Grant us, oh God, a keen awareness of the areas of life where we can serve the people of the land, and, as the scripture says, let justice flow down as waters and righteousness like an ever flowing stream.

May we continue to build on the foundations laid down from the early days of the Nation, that in all things we may do Justice, love mercy, and ever walk humbly with you.

May Your benediction, oh God, that is new every morning and is with us all the days of our lives, be upon all who serve in this place now and evermore, amen.

PLEDGE OF ALLEGIANCE

The CLERK.⁽³¹⁾ The Members–elect and their guests will please rise and join in the Pledge of Allegiance to the flag.

The Clerk led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

The CLERK. Representatives–elect, this is the day fixed by the 20th amendment to the Constitution and Public Law 104–296 for the meeting of the 105th Congress and,

30. 143 CONG. REC. 114–20, 105th Cong. 1st Sess.

31. Robin H. Carle.

Ch. 1 § 3

PRECEDENTS OF THE HOUSE

as the law directs, the Clerk of the House has prepared the official roll of the Representatives-elect.

Certificates of election covering 435 seats in the 105th Congress have been received by the Clerk of the House, and the names of those persons whose Credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

Without objection, the Representatives-elect will record their presence by electronic device and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

There was no objection.

The call was taken by electronic device, and the following Representatives-elect responded to their names:

[Roll No. 1] . . .

The CLERK. The quorum call discloses that 432 Representatives-elect have responded to their name. A quorum is present.

ANNOUNCEMENT BY THE CLERK

The CLERK. The Clerk will state that credentials, regular in form, have been received showing the election of the Honorable CARLOS ROMERO-BARCELÓ as Resident Commissioner from the commonwealth of Puerto Rico for a term of 4 years beginning January 3, 1997; the election of the Honorable ELEANOR HOLMES NORTON as Delegate from the District of Columbia; the election of the Honorable DONNA M. CHRISTIAN-GREEN as Delegate from the Virgin Islands; the election of the Honorable ENI F.H. FALEOMAVAEGA as Delegate from American Samoa; and the election of the Honorable ROBERT A. UNDERWOOD as Delegate from Guam.

ELECTION OF SPEAKER

The CLERK. Pursuant to law and to precedent, the next order of business is the election of the Speaker of the House of Representatives for the 105th Congress.

Nominations are now in order.

The Clerk recognizes the gentleman from Ohio [Mr. BOEHNER].

Mr. [John] BOEHNER [of Ohio]. Madam Clerk, as chairman of the Republican Conference, I am honored and privileged to welcome my colleagues, their families, and the American people to this historic day. . . .

With pride in what we have accomplished in the past and anticipation of what we can do together in the future, I am directed by a unanimous vote of the Republican Conference to present the name of the Honorable NEWT GINGRICH, a Representative-elect from the State of Georgia, for election to the office of Speaker of the House of Representatives for the 105th Congress.

QUESTION OF PRIVILEGE OFFERED BY MR. FAZIO OF CALIFORNIA

The CLERK. The Clerk now recognizes the gentleman from California [Mr. FAZIO] for a nomination.

Mr. [Victor] FAZIO of California. Madam Clerk, I rise to a question of the highest constitutional privilege. I offer a resolution which calls for the postponement of the election of the Speaker of the House until the Committee on Standards of Official Conduct completes its work on the matters concerning Representative NEWT GINGRICH of Georgia. The resolution requires the House to proceed immediately to the election of an interim Speaker who will preside over the House until that time.

I ask for the immediate consideration of the resolution.

The CLERK. Section 30 of the Revised Statutes of the United States, which is codified in section 25 of title 2, United States Code, reads in part as follows:

At the first session of Congress after every general election of Representatives, the oath of office shall be administered by any Member of the House of Representatives to the Speaker; and by the Speaker to all Members and Delegates present, and to the Clerk, previous to entering on any other business.

This has been the law since June 1, 1789.

The precedent recorded in Hinds' Precedents of the House at volume 1, section 212, recites that, "at the organization of the House the motion to proceed to the election of a Speaker is of the highest privilege." On that occasion, the Clerk stated that "the duty of the House to organize itself is a duty devolved upon it by law, and any matter looking to the performance of that duty takes precedence in all parliamentary bodies of all minor questions."

The Clerk cites both the statute and the precedent as controlling her decision, consistent with the modern practice of the House, to recognize nominations for Speaker.

Mr. FAZIO of California. Madam Clerk, given the unprecedented nature of the circumstance, I urge that the Clerk permit the Representatives—elect a vote on the motion that I have submitted.

The CLERK. Is the gentleman from California appealing the ruling of the Clerk?

Mr. [Vic] FAZIO of California. Madam Clerk, if the gentlewoman does not permit a vote under the extraordinary circumstance we face today, I would appeal the ruling of the Clerk.

The CLERK. The gentleman may appeal from the Clerk's ruling on the question of order as to the priority of business.

The question is, Shall the decision of the Clerk stand as the judgment of the House?

Mr. BOEHNER. Madam Clerk, I move to lay the appeal on the table.

Mr. FAZIO of California. Madam Clerk, on that I demand the yeas and nays on the motion to table made by the majority.

The CLERK. The question is on the motion offered by the gentleman from Ohio [Mr. BOEHNER] to lay the appeal on the table.

The question was taken; and the Clerk announced that the ayes appeared to have it.

Mr. FAZIO of California. Madam Clerk, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 210, not voting 0, as follows:

[Roll No. 2] . . .

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

§ 3.5 When the Clerk of the House presides over organization on opening day of a new Congress, the Clerk may respond to parliamentary inquiries from Members-elect, such as those addressing the inability of Delegates-elect to vote in the election of Speaker.

On January 6, 1999,⁽³²⁾ the Clerk presided over organization of the 106th Congress, and, during the election of Speaker, answered parliamentary inquiries regarding the voting status of Delegates-elect and the Resident Commissioner-elect:

ELECTION OF SPEAKER

The CLERK.⁽³³⁾ Pursuant to law and to precedent, the next order of business is the election of the Speaker of the House of Representatives for the 106th Congress.

Nominations are now in order.

The Clerk recognizes the gentleman from Oklahoma (Mr. WATTS).

Mr. [Julius Caesar (J.C.)] WATTS of Oklahoma. Mr. Clerk, happily for our country and happily for you and me, Republicans and Democrats, DENNIS HASTERT has answered his Nation's call. This common man will bring his strong common sense, sharpened in the school of adversity, to bear on the Speakership. He has many qualities of another Congressman from Illinois, the Great Emancipator, Abraham Lincoln, and he will not hesitate, he will not doubt and he will not falter. We are grateful that he has resolved at whatever peril, at whatever cost, the most wonderful Nation in the world should be preserved.

As Chairman of the Republican Conference, I am directed by the unanimous vote of that conference to present for election to the Office of the Speaker of the House of Representatives for the 106th Congress, the name of the Honorable J. DENNIS HASTERT, a Representative-elect from the State of Illinois.

The CLERK. The Clerk recognizes the gentleman from Texas (Mr. FROST).

Mr. [Jonas Martin] FROST [of Texas]. Mr. Clerk, as Chairman of the Democratic Caucus, I am directed by the unanimous vote of that caucus to present for election to the Office of the Speaker of the House of Representatives for the 106th Congress the name of one of most articulate and thoughtful Members of this Congress, the Honorable RICHARD A. GEPHARDT, a Representative-elect from the State of Missouri.

The CLERK. The Honorable J. DENNIS HASTERT, a Representative-elect from the State of Illinois, and the Honorable RICHARD A. GEPHARDT, a Representative-elect from the State of Missouri, have been placed in nomination.

Are there further nominations?

There being no further nominations, the Clerk will appoint tellers.

The Clerk appoints the gentleman from California (Mr. THOMAS), the gentleman from Connecticut (Mr. GEJDENSON), the gentlewoman from New Jersey (Mrs. ROUKEMA), and the gentlewoman from Ohio (Ms. KAPTUR).

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

32. 145 CONG. REC. 41-43, 106th Cong. 1st Sess. See also 163 CONG. REC. H4 [Daily Ed.], 115th Cong. 1st Sess. (Jan. 3, 2017).

33. Jeff Trandahl.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The reading clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

PARLIAMENTARY INQUIRY

Mr. [Carlos A.] ROMERO-BARCELÓ [of Puerto Rico] (during the vote). Have we been eliminated already? Have we been eliminated from the voting procedure?

The CLERK. Delegates and the Resident Commissioners are not qualified to vote.

Mr. ROMERO-BARCELÓ. We have always been qualified to vote.

The CLERK. That is not the case.

Mr. ROMERO-BARCELÓ. What is that?

The CLERK. That is not the case.

Mr. ROMERO-BARCELÓ. Yes. We voted the last time.

PARLIAMENTARY INQUIRY

Mr. [Patrick Joseph] KENNEDY of Rhode Island. Mr. Clerk, would the Clerk respond to a parliamentary inquiry?

The CLERK. The gentleman will state his inquiry.

Mr. KENNEDY of Rhode Island. The parliamentary inquiry for the Clerk is for the delegates who represent American citizens. Where does that vote come today? Will they not be allowed to vote for Speaker of this House? The Member from Puerto Rico represents 4 million American citizens.

The CLERK. Representatives-elect are the only individuals qualified to vote in the election of the Speaker.

Unanimous-Consent Requests

§ 3.6 When the Clerk of the House presides over organization on opening day of a new Congress, the Clerk may entertain unanimous-consent requests from Members-elect, including requests to allow Members-elect lacking certificates of election to participate in the initial quorum call and the election of Speaker.⁽³⁴⁾

On January 4, 1995,⁽³⁵⁾ the Clerk presided over the organization of the 104th Congress, and entertained a unanimous-consent request regarding the status of Members-elect from the state of Alabama:⁽³⁶⁾

34. For more on certificates of election and the administration of the oath of office, see Deschler's Precedents Ch. 2 and Precedents (Wickham) Ch. 2. See also Deschler's Precedents Ch. 8 §§ 15-17.

35. 141 CONG. REC. 439-46, 104th Cong. 1st Sess.

36. *Parliamentarian's Note*: The Secretary of State for the state of Alabama withheld the certificates of election for the entire delegation until a contested state-level election was resolved. In lieu of the certificates, the Secretary of State sent a letter unofficially informing the House that the members of the delegation had received a majority of

This being the day fixed by the 20th amendment to the Constitution for the annual meeting of the Congress of the United States, the Members-elect of the 104th Congress met in their Hall, and at 12 noon, were called to order by the Clerk of the House of Representatives, the Honorable Donnal K. Anderson.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With gratefulness and praise and with a sense of duty and honor, we express our thanksgivings, O gracious God, that we have the opportunity to serve at this time and place. When we contemplate the demands of justice and the high calling to public service, we pray that Your spirit will illumine our minds, strengthen our resolve and give us hearts of wisdom, tolerance, and compassion. May each person be faithful to the vocation of Government service, that we will be good stewards of the resources of the land, hold to the standards of integrity and loyalty and do all those good things that honor You and serve people everywhere. May Your benediction, O God, that is new every morning and is with us in all the moments of life, continue to bless us and keep us in Your grace, now and evermore. As the prophet Micah has said, "And what does the Lord require of you, but to do justice, to love mercy, and to walk humbly with your God." Amen.

PLEDGE OF ALLEGIANCE

The CLERK.⁽³⁷⁾ Will the Members-elect and their guests please remain standing and join with us in the Pledge of Allegiance to the Flag.

The Clerk led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The CLERK. Representatives-elect, this is the day fixed by the 20th amendment to the Constitution and Public Law 103-395 for the meeting of the 104th Congress and, as the law directs, the Clerk of the House has prepared the official roll of the Representatives-elect.

Certificates of election covering 428 seats in the 104th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

The Clerk lays before the House the following communication from the Secretary of the State of the State of Alabama.

STATE OF ALABAMA,
OFFICE OF THE SECRETARY OF STATE,
Montgomery, AL, December 19, 1994.

votes. The official certificates of election were not received until a month later. Unanimous consent was required to permit the delegation to participate in the quorum call and to vote for the Speaker because a Member-elect has the right to be included on the Clerk's roll only if a certificate of election, in due form, is on file with the Clerk; and only those Members whose names appear on the Clerk's roll are entitled to vote for a new Speaker or to participate in organizational proceedings prior to the administration of the oath. A claimant not on the roll, however, may take the oath and be admitted to membership. See Deschler's Precedents Ch. 2 §2 and Precedents (Wickham) Ch. 2 §2.

37. Donnal K. Anderson.

Hon. DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives,
Washington, DC.

DEAR MR. ANDERSON: According to the unofficial results of the election held on November 8, 1994, in the state of Alabama, the following individuals received a majority of the votes for a term of two years beginning on January 3, 1995, to the United States House of Representatives:

Sonny Gallahan—1st District.

Terry Everett—2d District.

Glen Browder—3d District.

Tom Beville—4th District.

Robert E. (Bud) Cramer, Jr—5th District.

Spencer Bachus—6th District.

Earl F. Hilliard—7th District.

The official results and certificates of election will be transmitted to you as soon as I am authorized to do so. Should the official results differ from this in any way, I will notify you immediately.

Sincerely,

JIM BENNETT,
Secretary of State.

The CLERK. Without objection, the Representatives-elect from the State of Alabama will be allowed to record their presence by electronic device and also to vote on the election of the Speaker.

There was no objection.

The CLERK. Without objection, the Representatives-elect will record their presence by electronic device and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

There was no objection.

Announcements

§ 3.7 When the Clerk of the House presides over organization on opening day of a new Congress, the Clerk makes various announcements to the body regarding events taking place during *sine die* adjournment, including announcements regarding the death of Members-elect.

On January 3, 2001,⁽³⁸⁾ during organization of the 107th Congress, the Clerk announced the death of a Member-elect:

This being the day fixed by the 20th amendment to the Constitution of the United States for the meeting of the Congress of the United States, the Members-elect of the

³⁸ 147 CONG. REC. 19, 20, 107th Cong. 1st Sess. For similar announcements, see 125 CONG. REC. 4, 96th Cong. 1st Sess. (Jan. 15, 1979) and 135 CONG. REC. 67, 101st Cong. 1st Sess. (Jan. 3, 1989).

107th Congress met in their Hall, and at noon were called to order by the Clerk of the House of Representatives, Hon. Jeff Trandahl.

The Chaplain, the Rev. Daniel P. Coughlin, offered the following prayer:

Lord God, Almighty, by Your Divine Providence You have brought us to this new day. Bless us in our gathering, form us by Your Word, guide us by Your Spirit.

The people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for themselves and posterity, have acted according to the Constitution of this country and by lawful elections they have elected their representatives to serve in this House as the 107th Congress.

Give this body an outpouring of Your Holy Spirit, that they may be wise in their judgments and serve freely the best interests of all of the people of this Nation.

Broaden their personal concerns that they may seek the common good and always be attuned to the helpless sighs of the most vulnerable in our society.

Clarify their vision, as they work together in the search for the best ideas and strategies to meet the greatest needs of our times.

Bless all Members of this House, new and experienced. May their faith in You, Lord God, and in the destiny of this Nation, keep them humble in Your service.

May their families remain their deepest love and lasting joy.

May all here who assist them in this Chamber, in congressional offices and in committee responsibilities, be wise in their counsel and gracious in their service.

May this Congress, Lord God, be a sign of unity and confidence to this Nation; good news to the poor and an instrument of peace in the world.

Lord God, in You we trust now and forever. Amen.

PLEDGE OF ALLEGIANCE

The CLERK. The Members—elect and their guests will please rise and join in the Pledge of Allegiance to the flag.

The Clerk led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The CLERK. Representatives—elect, this is the day fixed by the 20th amendment to the Constitution for the meeting of the 107th Congress and, as the law directs, the Clerk of the House has prepared the official roll of the Representatives—elect.

Certificates of election covering 435 seats in the 107th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

Without objection, the Representatives—elect will record their presence by electronic device and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

There was no objection.

The call was taken by electronic device, and the following Representatives—elect responded to their names:

[Roll No. 1] . . .

The CLERK. The quorum call discloses that 429 Representatives—elect have responded to their name. A quorum is present.

ANNOUNCEMENT BY THE CLERK

The CLERK. The Clerk will state that credentials, regular in form, have been received showing the election of the Honorable ANÍBAL ACEVEDO-VILÁ as Resident Commissioner from the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 2001; the election of the Honorable ELEANOR HOLMES NORTON as Delegate from the District of Columbia; the election of the Honorable DONNA M. CHRISTENSEN as Delegate from the Virgin Islands; the election of the Honorable ENI F.H. FALEOMAVAEGA as Delegate from American Samoa; and the election of ROBERT A. UNDERWOOD as Delegate from Guam.

ANNOUNCEMENT BY THE CLERK

The CLERK. The Clerk will state that since the last regular election of Representatives to the 107th Congress, a vacancy now exists in the 32d District of the State of California, occasioned by the death of the late Honorable Julian C. Dixon.

§ 3.8 The Clerk of the prior Congress, who was not expected to be reelected to the position due to a change in party majorities, gave brief farewell remarks to the body as presiding officer prior to the election of Speaker.

On January 4, 1995,⁽³⁹⁾ at the organization of the 104th Congress, the Clerk from the 103d Congress called the House to order and after establishing the presence of a quorum of Members-elect, addressed the House as follows:

FAREWELL REMARKS OF THE HONORABLE DONNALD K. ANDERSON

The CLERK.⁽⁴⁰⁾ Ladies and gentlemen of the House, if you will indulge me for just one moment, I will shortly take leave of this Chamber after 35 years in your service, the last 8 in the high stewardship as your Clerk.

My heart is filled with the happy reflections of those years, a deep sense of fulfillment, and profound gratitude for your unfailing confidence and friendship. Indeed, I am grateful above all to the one Nation which affords opportunity for an ordinary citizen to achieve extraordinary responsibility. You will remain constantly in my thoughts and in my prayers that God will bless each of you in the work which you are about and may He forever prosper this House and the United States of America.

I bid you an affectionate farewell.

(Applause, the Members rising.)

TRIBUTE TO THE HONORABLE DONNALD K. ANDERSON

(Mr. [John] BOEHNER [of Ohio] asked and was given permission to address the House for 1 minute.)

39. 141 CONG. REC. 440-41, 104th Cong. 1st Sess.

40. Donnal K. Anderson.

Mr. BOEHNER. Mr. Clerk, before we proceed with the nominations for Speaker of the House, on behalf of Republican Members of the House, we want to thank you for your 35 years of service to this institution, and your 35 years of service to the American people. You have done your job ably on behalf of all Members on both sides of the aisle.

And to the other officers of the House, who have served the House so ably and the American people so ably, we want to thank them as well for their service in this House.

Farewell, and best wishes from all of us.

Mr. [Victor] FAZIO [of California]. Will the gentleman yield?

Mr. BOEHNER. I yield to my friend, the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I appreciate my friend yielding.

I, too, would like to add a few words of tribute to our friend.

When the 103d Congress came to an official close on noon Tuesday, the House literally lived on for the next 24 hours in the person of the gentleman from Sacramento, CA, the Clerk of the House, Donald K. Anderson. In serving as the first presiding officer for the purpose of organizing the 104th Congress, he fulfilled his last ministerial duty to this institution. After four successive terms as Clerk and a career with the House that began as a Page when Dwight Eisenhower was President and Sam Rayburn sat in the Speaker's chair, Donn Anderson now leaves a distinguished career of public service.

On a personal level for many of us in this Chamber, it was only natural for Donn Anderson to have been the thread of continuity from one Congress to the next. For over 30 years, Donn has embodied every good virtue of this House. He has been its memory, its defender, its champion and often its conscience. He understood perhaps better than anyone here the meaning of the word "bipartisanship" and he lived it daily in his work with the Members. In his 8 years as the second highest-ranking officer of the House, he worked tirelessly to move the House into the information age and so greatly benefited our constituents, the American people.

As chairman of the Subcommittee on Legislative Appropriations, I looked forward to our annual ritual of hearings knowing that I could always count on the Clerk for the most splendid testimony. Although Donn himself admitted to his preference for Victorian manners, there was nothing old-fashioned about the direction of his office. He was thoroughly modern in his vision for the future of the House, and he fought hard to keep us current with the times. Just as Donn could explain the artistic nuances of paintings in the Rotunda, he could just as easily give you the technical lowdown of cameras in this Chamber and on this floor. As the House moves forward today with the institutional reforms and the reorganization, we do so with the solid foundation left behind by Donn Anderson.

Perhaps in parting we can borrow a phrase from our late and great Speaker Tip O'Neill. He simply said on so many occasions, "So long, old pal."

Thank you, Donn Anderson.

§ 4. Election of Speaker

Following the initial quorum call of Members-elect, the House proceeds immediately to the election of the Speaker of the House. The election of Speaker is a matter of the highest privilege and has precedence over virtually any other business that could occur. For example, the election of